

112003  
13281 U.S.PTO

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

## INTELLECTUAL PROPERTY LAW

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22386 U.S.PTO  
10/716609  
112003

Date: November 20, 2003

Docket No.: 4450-0414P

**MS PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is a patent application claiming priority under 35 U.S.C. § 119(e) of Provisional Application No(s). 60/427,741 filed on November 20, 2002.

Inventor(s): SRIDHAR, Balakrishnan; BAO, Jun

For: METHOD AND APPARATUS FOR OPTICAL AMPLIFYING DEVICE GAIN CONTROL WITH GAIN THRESHOLD

Enclosed are:

- A specification consisting of Twenty-nine (29) pages
- Seven (7) sheet(s) of formal drawings
- An assignment of the invention
- Applicant does not claim priority
- Applicant claims the right of priority under 35 U.S.C. § 119 based on Application No(s). filed in on
  - Certified copy(ies) is(are) attached hereto.
  - Certified copy(ies) will follow.
- Executed Declaration ( Original  Photocopy)

- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Preliminary Amendment
- Application Data Sheet in accordance with 37 C.F.R. § 1.76
- Information Disclosure Statement, PTO-1449 and reference(s)
- Applicant requests early publication - \$300.00 publication fee
- Non-publication Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)
- Other:
- Provisional application filed in English:  
 YES       NO

If "NO," an English translation with a Statement of Accuracy:  
 is attached hereto     will follow.

The filing fee has been calculated as shown below:

		LARGE ENTITY		SMALL ENTITY	
BASIC FEE		\$770.00		\$385.00	
	NUMBER FILED	NUMBER EXTRA	RATE	FEE	RATE
<b>TOTAL CLAIMS</b>	31- 20 =	7	X 18 =	\$198.00	x 9 = \$0.00
<b>INDEPENDENT CLAIMS</b>	3- 3 =	0	x 86 =	\$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00	
		<b>TOTAL</b>	\$968.00	\$0.00	

- A check in the amount of \$1008.00 to cover the filing fee and recording fee (if applicable) is enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.

- Please send correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 02292  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Michael R. Cammarata, #39,491

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

MRC/cqc  
**4450-0414P**

Attachment(s)

(Rev. 10/27/03)

- Please send correspondence to:

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Attachment(s)

(Rev. 10/27/03)

PATENT  
4450-0414P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: SRIDHAR, Balakrishnan et al. Conf.:

Appl. No.: New Group:

Filed: November 20, 2003 Examiner:

For: METHOD AND APPARATUS FOR OPTICAL  
AMPLIFYING DEVICE GAIN CONTROL WITH  
GAIN THRESHOLD

REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. § 122(b) (2) (B) (i)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 20, 2003

Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request must be signed in compliance with 37 C.F.R. § 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled

for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By \_\_\_\_\_

Michael R. Cammarata, #39,491

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**4450-0414P**